

ADVISORY OPINION 95-009

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

May 7, 1995

Mr. W. Douglas Myers  
Kentucky Academy of Trial Attorneys  
4101 Danville Building  
12700 Shelbyville Road  
Louisville, Kentucky 40243-1537

Dear Mr. Myers:

This is in response to your April 6, 1995, letter in which you request an advisory opinion regarding a proposed expenditure by the Kentucky Attorney's Political Action Trust ("KAPA"), a registered political action or permanent committee of the Kentucky Academy of Trial Attorneys ("KATA"). You ask whether KAPA may expend \$25,000 toward assisting the Association of Trial Lawyer's of America ("ATLA") in opposing federal tort legislation which would preempt state law, if enacted. You further advise that ATLA will provide a receipt to KAPA for the services rendered on its behalf.

KRS 121.175(1), which was enacted during the 1993 special session of the General Assembly and became effective on July 15, 1994, provides that:

No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot... (emphasis added).

A "committee" is defined by KRS 121.015(3) to include the following: a campaign committee, a political issues committee, a permanent committee, an executive committee of a political party, and an inaugural committee. "Campaign account" is not defined by statute; however, from its context in KRS 121.175, it does not appear to relate exclusively to a "campaign committee" insofar as a "contributing organization" is also included in the expenditure restriction.

KAPA is a registered permanent committee and its expenditures must comply with KRS 121.175 which requires that an "allowable campaign expenditure" be "directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot..." (Emphasis added).

Although the purpose for the expenditure would appear to further the goals of KATA as recited in its By-laws which includes "supporting the remedies of members of the general public who are injured or

sustain damages," the purpose of the expenditure, assisting ATLA in opposing federal legislation, does not appear to be related to an issue which will appear on the ballot. Therefore, the proposed expenditure is not an "allowable campaign expenditure" as defined by KRS 121.175.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/db